



PATENT

#3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Oates et al.

Serial No. 10/099,883 (Conf. No. 5431)

Filing Date: March 14, 2002

for WIRELESS COMMUNICATIONS
SYSTEMS AND METHODS FOR
MULTIPLE PROCESSOR BASED
MULTIPLE USER DETECTION

Attorney Docket: 0102323-00099

Examiner:

Art Unit: 2631

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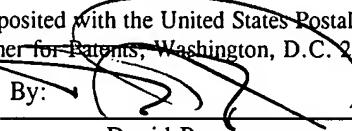
OFFICE OF PETITIONS

Certificate of Mailing (37 C.F.R. 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service Post Office as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the date set forth below.

12/9/02

Date of Signature and Mail Deposit

By: 

David Powsner

Reg. No: 31,868

Commissioner for Patents
Washington, DC 20231

Petition Under 37 C.F.R. §1.47(a)

Dear Sir:

This is a petition under 37 C.F.R. §1.47(a) for filing when an inventor refuses to sign. Filed herewith are (1) a Declaration signed by the available joint inventors with the signature block of the non-signing inventor left blank; and (2) a Declaration of Carolyn R. Marks setting forth the pertinent facts as to the refusal. The last known address of the non-signing inventor is set forth below.

12/12/2002 MBLANCO 00000003 10099883

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OFFICE OF PETITIONS

A check in the amount of \$130.00, as set forth in 37 C.F.R. 1.17(h), is enclosed. Please charge any additional fees that may be required, and credit any overpayments, to Deposit Order Account 14-1449. A duplicate of this Petition is filed for that purpose.

Paul E. Cantrell ("Mr. Cantrell"), whose last known address was 15 Prescott Drive, Chelmsford MA 01863, is one of the twelve joint inventors of the subject matter of the above cited application. As set forth in the accompanying Declaration of Carolyn R. Marks ("Ms. Marks"), Mr. Cantrell has constructively refused to sign the application. The other eleven joint inventors have signed the application and hereby make the application on behalf of themselves and Mr. Cantrell. The Declaration signed by those eleven joint inventors, with a signature block for Mr. Cantrell left blank, is filed herewith.

Referring to the accompanying Declaration of Carolyn R. Marks, a complete copy of the application was sent to Mr. Cantrell on June 18, 2002, along with a Declaration and Power of Attorney for his signature. A letter sent with the application requested that he sign and return it to the responsible attorney. Mr. Cantrell did not.

On August 1, 2002, Ms. Marks confirmed, in a telephone conversation with Mr. Cantrell, that he had received the application papers and that he would sign and return them. He said he would. But, he did not.

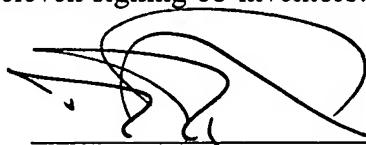
On August 29 and then, again, on September 6, 2002, Ms. Marks left telephone messages with Mr. Cantrell reminding him that the signed documents had still not been received. Mr. Cantrell did not return those phone calls. Nor did he return the signed documents.

Mr. Cantrell's failure to sign and return the documents and, indeed, to return phone calls regarding same constitutes a constructive refusal to sign per 37 C.F.R. 1.47(a). In view

Serial No.: 10/099,883
Filing Date: March 14, 2002
Group Art Unit: 2631
Atty. Docket No.: 0102323-00099

of the Declaration filed herewith (signed by Mr. Cantrell's co-inventors) and the facts laid out in the accompanying Declaration by Ms. Marks, Applicants hereby request that this application go forward on behalf of Mr. Cantrell and his eleven signing co-inventors.

Date: 12/9/02



David Powsner
Attorney for Applicants

Nutter McClellan & Fish LLP
World Trade Center West
155 Seaport Boulevard
Boston, Massachusetts 02210
Phone: (617) 439-2717
Fax: (617) 310-9717

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Application of Oates et al.

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Art Unit: 2631

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CERTIFICATE OF MAILING

The undersigned certifies that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail addressed to the Assistant Commissioner for Patents, Box: Missing Parts, Washington, DC 20231.

Date: 12/9/02

David J. Powsner, Reg. No. 31,868

Commissioner for Patents
Washington, DC 20231

Declaration of Carolyn R. Marks

Dear Sir:

I, Carolyn R. Marks, residing at 49 Russell Road, Somerville, MA 02144, hereby declare as follows:

1. I am an employee at Nutter McClellan & Fish LLP, where I work as an assistant to David J. Powsner, the patent attorney responsible for preparation and filing of the above cited case.
2. To the best of my knowledge, the last known address of Paul E. Cantrell ("Mr. Cantrell") is 15 Prescott Drive, Chelmsford MA 01863.

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3. On June 18, 2002, I sent a package on behalf of Mr. Powsner to Mr. Cantrell via Federal Express. The package contained a complete copy of the above cited application, along with a Declaration and Power of Attorney for signature by Mr. Cantrell (as one of several inventors). A cover letter, also included in the package, requested that Mr. Cantrell sign the Declaration and Power of Attorney and return them to Mr. Powsner. A copy of that cover letter and a copy of the complete application that was included with it in the package is attached as Exhibit A. (Although the package also included complete copies of other applications – which are also referred to in the cover letter – those other applications are not included here for brevity.)

4. Mr. Cantrell did not return the signed documents.

5. On August 1, 2002, I spoke with Mr. Cantrell by phone, using a phone number given to me by his last employer, Mercury Computer Systems, Inc., the Assignee. See Exhibit B-1. Mr. Cantrell said he had received the package I sent from Mr. Powsner on June 18, 2002, and said he would review, sign, and return the documents promptly.

6. Again, Mr. Cantrell did not return the signed documents.

7. On August 29, 2002 I attempted to reach Mr. Cantrell by phone at the same number. See Exhibit B-2. I only reached his voicemail and left a message for him reminding him that we still had not received the signed documents and asking him to forward them as soon as possible. I followed up again later that day with a second phone call to Mr. Cantrell and, again, only reached his voicemail – on which I left the same message as before.

8. Mr. Cantrell did not my return my phone calls of August 29, 2002.

9. On September 6, 2002, I again attempted to reach Mr. Cantrell by phone at the same number. See Exhibit B-1. I again only reached his voicemail and I again left a message for him reminding him that we still awaited the signed documents.

10. Again, Mr. Cantrell did not my return my phone call of September 6, 2002.

11. Mr. Cantrell has not returned, signed or otherwise, any of the documents that Mr. Powsner and I forwarded to him in the package of June 18, 2002. Nor has he returned any of my phone calls to him.

12. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 10001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 12/9/02

Carolyn R. Marks

Carolyn R. Marks

Nutter McCennen & Fish LLP
World Trade Center West
155 Seaport Boulevard
Boston, Massachusetts 02210
Phone: (617) 439-2718
Fax: (617) 310-9718

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HES

Attorney Docket No.: 0102323-00099

**DECLARATION AND POWER OF ATTORNEY FOR
UNITED STATES LETTERS PATENT APPLICATION**

As a below-named inventor, I hereby declare that:

My residence, post-office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**WIRELESS COMMUNICATIONS SYSTEMS AND METHODS FOR
MULTIPLE PROCESSOR BASED MULTIPLE USER DETECTION**

the specification of which

(check one)

- is attached hereto.
- was filed on: 3/14/02

as Application No.: 10/099,883

and was amended on:

(if applicable).

In the event that the filing date and/or Application No. are not entered above at the time I execute this document, and if such information is deemed necessary, I hereby authorize and request my attorneys/agent(s) at Nutter, McClellan & Fish, LLP, One International Place, Boston, MA 02110-2699, to insert above the filing date and/or Application No. of said application.

I hereby state that I have reviewed and understand the contents of the above-identified application specification, including the claims, as amended by any amendment specifically referred to herein.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

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FOREIGN PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

(check one)

no such foreign applications have been filed.

such foreign applications have been filed as follows:

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Country	Application Number	Date of Filing (month, day, year)	Priority Claimed Under 35 USC 119
			___ Yes ___ No ___
			___ Yes ___ No ___
			___ Yes ___ No ___
			___ Yes ___ No ___
			___ Yes ___ No ___

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

CLAIM FOR BENEFIT OF EARLIER U.S. PROVISIONAL APPLICATION(s)

I hereby claim priority benefits under Title 35, United States Code §119(e), of any United States provisional patent application(s) listed below:

(check one)

no such U.S. provisional applications have been filed.
 such U.S. provisional applications have been filed as follows:

Application Number	Date of Filing (month, day, year)	Priority Claimed Under 35 USC 119(e)
60/275,846	3/14/01	<u>X</u> Yes No _____
60/289,600	5/7/01	<u>X</u> Yes No _____
60/295,060	6/1/01	<u>X</u> Yes No _____

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(s)

I hereby claim the benefit under Title 35, United States Code §120, of the United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United State Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56, and which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:

(check one)

no such U.S./PCT applications have been filed.
 such U.S./PCT applications have been filed as follows:

Application Number	Date of Filing (month,day,year)	Status (Patented/Pending/Abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint:

Ronald E. Cahill	Reg. No. 38,403	Herbert A. Newborn	Reg. No. 42,031
Thomas J. Engellenner	Reg. No. 28,711	Tram Anh T. Nguyen	Reg. No. 47,257
William C. Geary III	Reg. No. 31,359	David J. Powsner	Reg. No. 31,868
Lisa J. Michaud	Reg. No. 44,238	Jasbir Sagoo	Reg. No. 51,177
Reza Mollaaghbabab	Reg. No. 43,810		

all of Nutter McCennen & Fish, LLP, One International Place, Boston, Massachusetts 02110-2699, jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith.

Please mail correspondence to: David J. Powsner
at Customer Number 021125, whose address is:

Nutter McCennen & Fish, LLP
One International Place
Boston, Massachusetts 02110-2699

Please direct telephone calls to: David J. Powsner
at (617)439-2717.

Please direct facsimiles to: (617)310-9717

Full name of sole or first joint inventor John H. Oates	
Inventor's Signature 	Date 6/5/02
Residence 59B Seavers Bridge Road, Amherst, New Hampshire 03031	
Country of Citizenship US	
Post Office Address (required) same as above	

Full name of second joint inventor Steven R. Imperiali	
Inventor's Signature <i>✓ Steven R. Imperiali</i>	Date <i>* 28-MAY-2002</i>
Residence 43 Haynes Road, Townsend, Massachusetts 01469	
Country of Citizenship US	
Post Office Address (required) same as above	

Full name of third joint inventor Alden J. Fuchs	
Inventor's Signature <i>✓ Alden J. Fuchs</i>	Date <i>* 28 MAY 2002</i>
Residence 160 Pine Hill Road, Nashua, New Hampshire 03063	
Country of Citizenship US CANADA	
Post Office Address (required) same as above	

Full name of fourth joint inventor Kathleen J. Jacques	
Inventor's Signature <i>✓ Kathleen J. Jacques</i>	Date <i>* 28-MAY-02</i>
Residence 40 Juniper Street, Jay, Maine 04239-27 BOLTON ST. APT 1C Somerville, MA 02143	
Country of Citizenship US	
Post Office Address (required) same as above	

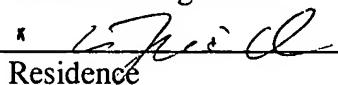
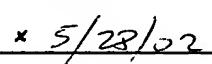
Full name of fifth joint inventor Jonathan E. Greene	
Inventor's Signature <i>x Jonathan Greene</i>	Date <i>6/13/02</i>
Residence 83 Hollenbeck Avenue, Great Barrington, Massachusetts 01230	
Country of Citizenship US	
Post Office Address (required) same as above	

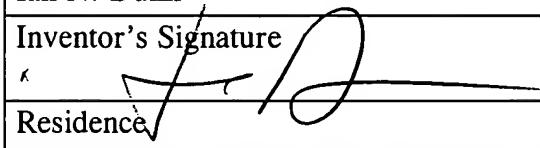
Full name of sixth joint inventor William J. Jenkins	
Inventor's Signature <i>William Jenkins</i>	Date <i>5/30/02</i>
Residence 479 Whitepond Road, Leominster, Massachusetts 01453	
Country of Citizenship US	
Post Office Address (required) same as above	

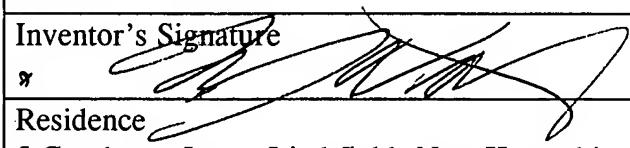
Full name of seventh joint inventor Frank P. Lauginiger	
Inventor's Signature <i>Frank Lauginiger</i>	Date <i>5/30/02</i>
Residence 772 Russell Station Road, Francestown, New Hampshire 03043	
Country of Citizenship US	
Post Office Address (required) same as above	

Full name of eighth joint inventor David E. Majchrzak	
Inventor's Signature 	Date 
Residence 11 Regine Street, Hudson, New Hampshire 03051	
Country of Citizenship US	
Post Office Address (required) same as above	

Full name of ninth joint inventor Paul E. Cantrell	
Inventor's Signature 	Date 
Residence 15 Prescott Drive, Chelmsford, Massachusetts 01863	
Country of Citizenship US	
Post Office Address (required) same as above	

Full name of tenth joint inventor Mirza Cifric	
Inventor's Signature 	Date 
Residence 180 Arborway, Jamaica Plain, Massachusetts 02130	
Country of Citizenship US Bosnia and Herzegovina	
Post Office Address (required) same as above	

Full name of eleventh joint inventor Ian N. Dunn	
Inventor's Signature 	Date x 28-MAY-2002
Residence 48 North Court Street, #1, Providence, Rhode Island 02903	
Country of Citizenship US	
Post Office Address (required) same as above	

Full name of twelfth joint inventor Michael J. Vinskus	
Inventor's Signature 	Date x 28-MAY-2002
Residence 5 Cranberry Lane, Litchfield, New Hampshire 03052	
Country of Citizenship US	
Post Office Address (required) same as above	

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Attorney Docket No.: 0102323-00099

**DECLARATION AND POWER OF ATTORNEY FOR
UNITED STATES LETTERS PATENT APPLICATION**

As a below-named inventor, I hereby declare that:

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I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

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			____ Yes No ____
			____ Yes No ____
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60/289,600	5/7/01	<u>X</u>	Yes	No _____
60/295,060	6/1/01	<u>X</u>	Yes	No _____

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Thomas J. Engellenner	Reg. No. 28,711	Tram Anh T. Nguyen	Reg. No. 47,257
William C. Geary III	Reg. No. 31,359	David J. Powsner	Reg. No. 31,868
Lisa J. Michaud	Reg. No. 44,238	Jasbir Sagoo	Reg. No. 51,177
Reza Mollaaghbabba	Reg. No. 43,810		

all of Nutter McCennen & Fish, LLP, One International Place, Boston, Massachusetts 02110-2699, jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith.

Please mail correspondence to: David J. Powsner
at **Customer Number 021125**, whose address is:

Nutter McCennen & Fish, LLP
One International Place
Boston, Massachusetts 02110-2699

Please direct telephone calls to: David J. Powsner
at (617)439-2717.

Please direct facsimiles to: (617)310-9717

Full name of sole or first joint inventor John H. Oates	
Inventor's Signature	Date
Residence 59B Seavers Bridge Road, Amherst, New Hampshire 03031	
Country of Citizenship US	
Post Office Address (required) same as above	

Full name of second joint inventor Steven R. Imperiali	
Inventor's Signature	Date
Residence 43 Haynes Road, Townsend, Massachusetts 01469	
Country of Citizenship US	
Post Office Address (required) same as above	

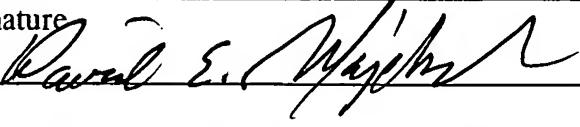
Full name of third joint inventor Alden J. Fuchs	
Inventor's Signature	Date
Residence 160 Pine Hill Road, Nashua, New Hampshire 03063	
Country of Citizenship US	
Post Office Address (required) same as above	

Full name of fourth joint inventor Kathleen J. Jacques	
Inventor's Signature	Date
Residence 10 Juniper Street, Jay, Maine 04239	
Country of Citizenship US	
Post Office Address (required) same as above	

Full name of fifth joint inventor Jonathan E. Greene	
Inventor's Signature	Date
Residence 83 Hollenbeck Avenue, Great Barrington, Massachusetts 01230	
Country of Citizenship US	
Post Office Address (required) same as above	

Full name of sixth joint inventor William J. Jenkins	
Inventor's Signature	Date
Residence 479 Whitepond Road, Leominster, Massachusetts 01453	
Country of Citizenship US	
Post Office Address (required) same as above	

Full name of seventh joint inventor Frank P. Lauginiger	
Inventor's Signature	Date
Residence 772 Russell Station Road, Francestown, New Hampshire 03043	
Country of Citizenship US	
Post Office Address (required) same as above	

Full name of eighth joint inventor David E. Majchrzak	
Inventor's Signature 	Date 7/17/02
Residence 33 Jessica Drive, Merrimack, New Hampshire 03054	
Country of Citizenship US	
Post Office Address (required) same as above	

Full name of ninth joint inventor Paul E. Cantrell	
Inventor's Signature	Date
Residence 15 Prescott Drive, Chelmsford, Massachusetts 01863	
Country of Citizenship US	
Post Office Address (required) same as above	

Full name of tenth joint inventor Mirza Cifric	
Inventor's Signature	Date
Residence 180 Arborway, Jamaica Plain, Massachusetts 02130	
Country of Citizenship US	
Post Office Address (required) same as above	

Full name of eleventh joint inventor Ian N. Dunn	
Inventor's Signature	Date
Residence 48 North Court Street, #1, Providence, Rhode Island 02903	
Country of Citizenship US	
Post Office Address (required) same as above	

Full name of twelfth joint inventor Michael J. Vinskus	
Inventor's Signature	Date
Residence 5 Cranberry Lane, Litchfield, New Hampshire 03052	
Country of Citizenship US	
Post Office Address (required) same as above	

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